

# SENATE, No. 2728

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 22, 2011

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Authorizes Department of Agriculture to implement mobile fresh produce markets for residents of urban “food desert” communities.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the provision of fresh produce to urban  
2 communities, and supplementing Title 4 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. This act shall be known, and may be cited as, the “New  
8 Jersey Fresh Mobiles Act.”

9  
10 2. a. The Legislature finds and declares that there are certain  
11 urban areas of the State, known as “food desert” communities, in  
12 which residents are unable to obtain reasonable and adequate access  
13 to nutritious foods and, in particular, to fresh fruits and vegetables;  
14 that the inaccessibility of nutritious food in urban food desert  
15 communities has been attributed, in large part, to the absence  
16 therein of supermarkets, grocery stores, and farmers’ markets and  
17 the prevalence therein of businesses like liquor stores and  
18 convenience marts, which provide convenient and affordable access  
19 only to pre-processed foods, generally high in empty calories,  
20 sugar, unhealthy preservatives, and harmful fats, and low in  
21 nutritional value; that low-income families are more likely than  
22 others to live in urban food desert communities and to lack the  
23 transportation or financial resources necessary to reach distant  
24 wholesome markets; that, as is evidenced by the work of various  
25 non-profit and private entities across the United States, the  
26 accessibility to, desire for, and use of, fresh produce by residents of  
27 urban food desert communities can be improved through the  
28 provision of mobile farmers’ markets, which regularly travel to and  
29 from these communities, and which provide fresh produce to  
30 residents situated therein; and that the institution of a Statewide and  
31 State-regulated mobile farmers’ market initiative is a reasonable  
32 means by which to ensure that all similarly situated residents of  
33 urban food desert communities in the State are provided with  
34 reasonable access to nutritious, fresh, and delicious produce, and  
35 are afforded the opportunity thereby to make healthier eating  
36 choices for themselves and for their families.

37 b. The Legislature therefore determines that it is both  
38 reasonable and necessary to authorize the Department of  
39 Agriculture to establish and regulate a Statewide mobile farmers’  
40 market initiative that will enable the State to provide a consistent,  
41 and easily accessible, source of fresh produce to residents in urban  
42 food desert communities throughout the State.

43  
44 3. For the purposes of this act:

45 “Department” means the Department of Agriculture.

46 “Federal food stamp assistance program” means the federal food  
47 stamp program authorized by Title XIII of the “Food and  
48 Agriculture Act of 1977,” Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

1 “Federal WIC program” means the Special Supplemental  
2 Nutrition Program for Women, Infants and Children, established  
3 pursuant to the federal “Child Nutrition Act of 1966,” Pub.L.89-642  
4 (42 U.S.C. s.1771 et seq.).

5 “Fresh mobile vendor” or “vendor” means a person who has been  
6 qualified by the department, pursuant to paragraph (1) of subsection  
7 b. of section 4 of this act, to provide fresh produce to residents of  
8 urban food desert communities.

9 “Fresh Mobiles Initiative” or “Initiative” means the “New Jersey  
10 Fresh Mobiles Initiative,” established and regulated by the  
11 department pursuant to this act.

12 “Low-income food voucher” means any type of food voucher,  
13 coupon, stamp, certificate, written authorization, or benefits card,  
14 which has been issued to a person by a government entity in  
15 accordance with the provisions of the federal food stamp assistance  
16 program, the Supplemental Nutrition Assistance Program, the  
17 federal WIC program, the New Jersey Supplementary Food Stamp  
18 Program, the Work First New Jersey program, or any other federal  
19 or State level nutrition or income assistance program now or  
20 hereafter established by law.

21 “Mobile venue” means a food truck or other vehicle, approved  
22 by the department for use in the initiative pursuant to paragraph (3)  
23 of subsection b. of section 4 of this act, which vehicle shall serve as  
24 a base of operations from which a fresh mobile vendor may offer  
25 fresh produce for sale to consumers in urban food desert  
26 communities.

27 “New Jersey Supplementary Food Stamp Program” means the  
28 State level food stamp program, established pursuant to P.L.1998,  
29 c.32 (C.44:10-79 et seq.), which applies to non-citizens who were  
30 rendered ineligible for federal food stamp program assistance by  
31 section 402 of the federal “Personal Responsibility and Work  
32 Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C.  
33 s.1612).

34 “Secretary” means the Secretary of Agriculture.

35 “Supplemental Nutrition Assistance Program” means the  
36 supplemental nutrition assistance program, established pursuant to  
37 the federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7  
38 U.S.C. 2011 et seq.).

39 “Urban food desert,” “urban food desert community,” or  
40 “community” means a city, municipality, or physically contiguous  
41 urban area in the State, which is selected and designated as such by  
42 the Secretary of Agriculture pursuant to section 5 of this act.

43 “Vendor supply area” means a specific street location in a food  
44 desert community where qualified fresh mobile vendors may offer  
45 their fresh produce for sale to consumers pursuant to section 5 of  
46 this act.

47 “Work First New Jersey” means the Work First New Jersey  
48 temporary public assistance program, established pursuant to

1 P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with  
2 authorization received under Title IV of the federal “Personal  
3 Responsibility and Work Opportunity Reconciliation Act of 1996,”  
4 Pub.L.104-193 (8 U.S.C. s.1601 et seq.).  
5

6 4. a. In order to promote and facilitate improved access to  
7 fresh produce by low-income residents of urban food deserts in the  
8 State, the Department of Agriculture shall establish a Statewide  
9 mobile farmers’ market program, to be known as the “New Jersey  
10 Fresh Mobiles Initiative.”

11 b. As a part of the Fresh Mobiles Initiative, the department  
12 shall:

13 (1) establish standards, qualifications, and conditions for fresh  
14 mobile vendors, as may be necessary to ensure both the freshness of  
15 produce sold and the quality of customer service provided to  
16 consumers under the initiative, and issue licenses or permits, as is  
17 appropriate and necessary, to persons who are qualified under those  
18 standards and in accordance with the provisions of this act to act as  
19 fresh mobile vendors;

20 (2) designate one or more vendor supply areas to be used for  
21 vendor sales in each urban food desert community, which  
22 designations shall ensure a high level of accessibility to vendors by  
23 community residents;

24 (3) authorize fresh mobile vendors to purchase or otherwise  
25 obtain, and to use, mobile venues for purposes of the initiative, and  
26 establish inspection and approval or permitting procedures through  
27 which the department may ensure the sanitation and safety of  
28 mobile venues used by vendors;

29 (4) establish, coordinate, and encourage partnerships between  
30 fresh mobile vendors as is deemed necessary to better enable and  
31 ensure the prompt or efficient delivery of fresh produce to urban  
32 food desert communities and the provision of a year-round supply  
33 of fresh produce to all urban food desert communities in the State;

34 (5) establish seasonal and other purchasing incentive programs  
35 to be implemented as part of the initiative, which incentive  
36 programs shall be designed to encourage consumer participation in  
37 the initiative and increase consumer familiarity with regard to the  
38 various types of produce offered by fresh mobile vendors;

39 (6) direct the fresh mobile vendors to accept any low-income  
40 food vouchers as payment at the established mobile venues and  
41 vendor supply areas, and encourage, at the discretion of the  
42 individual fresh mobile vendor, the acceptance of any method of  
43 payment, including, but not limited to, cash, credit, or check;

44 (7) develop educational and informational materials for  
45 distribution to consumers, which materials may incorporate  
46 information pertaining to the nutritional value of fruits and  
47 vegetables, the importance of incorporating fresh produce into the

1 diet, or any other topic that is relevant to the work of the initiative;  
2 and

3 (8) adopt rules and regulations, within 180 days following the  
4 effective date of this act, and pursuant to the “Administrative  
5 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as may be  
6 necessary to implement the provisions of this act.  
7

8 5. a. Within 120 days after the effective date of this act, the  
9 Secretary of Agriculture shall select a minimum of one city in each  
10 of the three regions of the State, northern, central, and southern  
11 New Jersey, in which to implement the Fresh Mobiles Initiative,  
12 and shall designate, at the discretion of the secretary, the entire city  
13 or certain areas within the city as an urban food desert community  
14 and the vendor supply areas within the urban food desert  
15 community. The secretary may select additional cities or  
16 municipalities for inclusion in the initiative, at the secretary’s  
17 discretion.

18 b. Per the selection and direction of the secretary pursuant to  
19 subsection a. of this section, the department shall implement the  
20 initiative. The department shall identify, on its Internet website, the  
21 selected cities, and the vendor supply areas at which, and the times  
22 during which, fresh mobile vendors will be accessible for  
23 community residents.

24 c. Annually, the secretary shall evaluate the efficacy of the  
25 initiative and shall modify the initiative as deemed necessary to  
26 maximize its positive impact on the residents of areas of the State  
27 that are determined by the secretary to be urban food desert  
28 communities.  
29

30 6. a. Using the standards and conditions, and the licensing or  
31 permitting procedures developed by the department in accordance  
32 with paragraph (1) of subsection b. of section 4 of this act, the  
33 department shall establish a network of fresh mobile vendors to  
34 provide fresh produce for sale to residents in urban food desert  
35 communities throughout the State.

36 b. In establishing a network of fresh mobile vendors, the  
37 department may solicit or approve participation by in-State or out-  
38 of-State produce farmers, collaborative farmers’ organizations, or  
39 private, non-profit, or governmental entities that are engaged in  
40 fresh produce rescue efforts, such as the rescue efforts employed by  
41 the New Jersey Agricultural Society in its “Farmers Against  
42 Hunger” program. The department shall encourage the State’s  
43 produce farmers to participate in the initiative as fresh mobile  
44 vendors.

45 The department shall make every reasonable effort to ensure,  
46 through the adoption of appropriate regulatory requirements or  
47 otherwise, that a consistent, year-round supply of reasonably priced  
48 fresh produce, sufficient to satisfy the fresh produce needs of

1 residents in all urban food desert communities in the State, will be  
2 made available by the network of fresh mobile vendors.

3

4 7. a. Any person may participate as a consumer in the Fresh  
5 Mobiles Initiative.

6 b. A person who is currently enrolled as a participant in:

7 (1) the federal food stamp assistance program;

8 (2) the Supplemental Nutrition Assistance Program;

9 (3) the federal WIC program;

10 (4) the New Jersey Supplementary Food Stamp Program;

11 (5) Work First New Jersey; or

12 (6) any other federal or State level nutrition or income  
13 assistance program now or hereafter established by law may use, to  
14 the extent such use is consistent with the requirements of the  
15 programs, low-income food vouchers to purchase fruits and  
16 vegetables from fresh mobile vendors.

17 c. The department shall adopt rules and regulations as  
18 necessary to facilitate the acceptance of low-income food vouchers  
19 by fresh mobile vendors in accordance with subsection b. of this  
20 section and paragraph (6) of subsection b. of section 4 of this act.

21

22 8. a. The Secretary of Agriculture is authorized to receive and  
23 expend, for the purposes specified in subsection b. of this section,  
24 any moneys that are obtained thereby through:

25 (1) appropriations or allocations of funds to the department for  
26 purposes consistent with this act;

27 (2) grant or loan awards made available to the department for  
28 purposes consistent with this act;

29 (3) direct contributions, gifts, legacies, bequests, or endowments  
30 for purposes consistent with this act; and

31 (4) any other source for purposes consistent with this act.

32 b. The secretary shall deposit all moneys received pursuant to  
33 subsection a. of this section in a special account to be known as the  
34 "New Jersey Fresh Mobiles Operation Fund." The secretary may  
35 expend the moneys deposited in the fund, in addition to any interest  
36 accrued thereon, and any dividends and returns resulting from  
37 investment of the moneys in the fund, for any of the following  
38 purposes:

39 (1) advertising and publicizing the initiative;

40 (2) developing and distributing educational materials as part of  
41 the initiative;

42 (3) providing financing for any studies that are reasonably  
43 necessary to ensure the efficacy of the Fresh Mobiles Initiative;

44 (4) offsetting any costs incurred by the department in complying  
45 with the provisions of this act; and

46 (5) providing financing for any other activity or endeavor that is  
47 consistent with the purposes of this act, and that will support, or

1 facilitate the efficient and effective operation of, the Fresh Mobiles  
2 Initiative.

3

4 9. This act shall take effect immediately.

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#### STATEMENT

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9 This bill would authorize the Department of Agriculture to  
10 establish a Statewide mobile farmers' market program, to be known  
11 as the "New Jersey Fresh Mobiles Initiative." The initiative would  
12 be designed to provide improved access to fresh produce by  
13 residents of urban "food desert" communities in the State – i.e.,  
14 communities wherein residents have little or no access to fresh  
15 produce or other nutritious foods, due to an absence of  
16 supermarkets, grocery stores, and farmers' markets.

17 The bill would require the Department of Agriculture to: 1)  
18 establish qualification standards for, and issue licenses or permits  
19 to, fresh mobile vendors and fresh mobile venues (i.e., food trucks);  
20 2) designate vendor supply areas in the State's urban food desert  
21 communities; and 3) develop nutrition-related educational materials  
22 and purchasing incentives for use in the initiative.

23 The bill directs the Secretary of Agriculture to select a minimum  
24 of one city in each of the three regions of the State, northern,  
25 central, and southern New Jersey, and the department to implement  
26 the Fresh Mobiles Initiative in those cities. Furthermore, the  
27 Secretary of Agriculture is directed to designate the entire city or  
28 certain areas within the city as an urban food desert community, and  
29 additional cities or municipalities for inclusion in the initiative, at  
30 the secretary's discretion. The bill requires the department to  
31 identify, on its Internet website, the selected cities, and the vendor  
32 supply areas at which, and the times during which, fresh mobile  
33 vendors would be accessible to community residents. The bill  
34 requires the secretary to evaluate annually the efficacy of the  
35 program and make modifications as necessary to maximize its  
36 positive impact on the residents of areas of the State that are  
37 determined to be urban food desert communities.

38 The bill requires the Department of Agriculture to direct fresh  
39 mobile vendors to accept government-issued food vouchers from  
40 any State or federal nutrition or income assistance program as  
41 payment for fruits and vegetables that are purchased from the  
42 vendors.

43 The Secretary of Agriculture would be authorized under the bill  
44 to establish and maintain a fund, which would be known as the  
45 "New Jersey Fresh Mobiles Operation Fund," and to receive and  
46 deposit into the fund any moneys received by the department for the  
47 bill's purposes. Under the bill, the secretary would be authorized to  
48 expend the moneys contained in the fund in order to: 1) advertise

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- 1 the initiative; 2) develop and distribute educational materials
- 2 associated with the initiative; 3) offset the department's costs in
- 3 administering the initiative; and 4) finance any necessary studies or
- 4 other activity that is consistent with the purposes of the initiative.